

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROCHELLE DANIEL,

Plaintiff,

vs

Case No: 11-13141
Honorable Victoria A. Roberts

DTE ENERGY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On June 26, 2013, Magistrate Judge Komives filed a Report and Recommendation (Doc. #53), recommending that the Court grant Defendant's Motion for Summary Judgment (Doc. #49). The Court considered objections filed by the Plaintiff (Doc. #54) .

Under 28 U.S.C. § 636(b)(1)(B), a Magistrate Judge's recommendations regarding a Defendant's motion for summary judgment are dispositive and are reviewed *de novo*. The referring judge may accept, reject, or modify, in whole or in part, the findings or recommendations to which objection is made. 28 U.S.C. § 636(b).

Summary judgment is appropriate if the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *Copeland v. Machulis*, 57 F.3d 476, 478 (6th Cir. 1995). The moving party bears the initial burden to show that there is no genuine issue of material fact. *Snyder v. AG Trucking Co.*, 57 F.3d 484, 488 (6th Cir. 1995). Once the

moving party meets this burden of production, the non-moving party must come forward with significant probative evidence showing that a genuine issue exists for trial.

Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 256, (1986).

A careful review of the underlying record, the recitation of facts and law by the Magistrate Judge in his report and recommendation, as well as Plaintiff's objections, leads this Court to conclude there are no genuine issues of fact for trial, and that the Magistrate Judge correctly found in favor of Defendant.

The Court **ADOPTS** the Report and Recommendation and **GRANTS** Defendant's Motion for Summary Judgment. Judgment will enter in favor of Defendant

IT IS SO ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 22, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and Rochelle Daniel by electronic means or U.S. Mail on August 22, 2013.

S/Linda Vertriest
Deputy Clerk